

(2) Trade enforcement efforts

In carrying out subsection (a)(2), the Commissioner, the Director, and interested parties in the private sector selected under subsection (c) shall provide instruction and related instructional materials at each educational seminar carried out under this section to personnel of U.S. Customs and Border Protection and, as appropriate, to personnel of U.S. Immigration and Customs Enforcement to identify opportunities to enhance enforcement of the following:

(A) Collection of countervailing duties assessed under subtitle A of title VII of the Tariff Act of 1930 (19 U.S.C. 1671 et seq.) and antidumping duties assessed under subtitle B of title VII of the Tariff Act of 1930 (19 U.S.C. 1673 et seq.).

(B) Addressing evasion of duties on imports of textiles.

(C) Protection of intellectual property rights.

(D) Enforcement of child labor laws.

(3) Approval of Commissioner and Director

The instruction and related instructional materials at each educational seminar carried out under this section shall be subject to the approval of the Commissioner and the Director.

(c) Selection process**(1) In general**

The Commissioner shall establish a process to solicit, evaluate, and select interested parties in the private sector for purposes of assisting in providing instruction and related instructional materials described in subsection (b) at each educational seminar carried out under this section.

(2) Criteria

The Commissioner shall evaluate and select interested parties in the private sector under the process established under paragraph (1) based on—

(A) availability and usefulness;

(B) the volume, value, and incidence of mislabeling or misidentification of origin of imported articles; and

(C) other appropriate criteria established by the Commissioner.

(3) Public availability

The Commissioner and the Director shall publish in the Federal Register a detailed description of the process established under paragraph (1) and the criteria established under paragraph (2).

(d) Special rule for antidumping and countervailing duty orders**(1) In general**

The Commissioner shall give due consideration to carrying out an educational seminar under this section in whole or in part to improve the ability of personnel of U.S. Customs and Border Protection to enforce a countervailing or antidumping duty order issued under section 706 or 736 of the Tariff Act of 1930 (19 U.S.C. 1671e or 1673e) upon the request of a petitioner in an action underlying such countervailing or antidumping duty order.

(2) Interested party

A petitioner described in paragraph (1) shall be treated as an interested party in the private sector for purposes of the requirements of this section.

(e) Performance standards

The Commissioner and the Director shall establish performance standards to measure the development and level of achievement of educational seminars carried out under this section.

(f) Reporting

Not later than September 30, 2016, and annually thereafter, the Commissioner and the Director shall submit to the appropriate congressional committees a report on the effectiveness of educational seminars carried out under this section.

(g) Definitions

In this section:

(1) Director

The term “Director” means the Director of U.S. Immigration and Customs Enforcement.

(2) United States

The term “United States” means the customs territory of the United States, as defined in General Note 2 to the Harmonized Tariff Schedule of the United States.

(3) U.S. Customs and Border Protection personnel

The term “U.S. Customs and Border Protection personnel” means import specialists, auditors, and other appropriate employees of the U.S. Customs and Border Protection.

(4) U.S. Immigration and Customs Enforcement personnel

The term “U.S. Immigration and Customs Enforcement personnel” means Homeland Security Investigations Directorate personnel and other appropriate employees of U.S. Immigration and Customs Enforcement.

(Pub. L. 114–125, title I, §104, Feb. 24, 2016, 130 Stat. 130.)

Editorial Notes

REFERENCES IN TEXT

The Tariff Act of 1930, referred to in subsec. (b)(2)(A), is act June 17, 1930, ch. 497, 46 Stat. 590. Subtitles A and B of title VII of the Act are classified generally to parts I (§671 et seq.) and II (§1673 et seq.), respectively, of subtitle IV of chapter 4 of this title. For complete classification of this Act to the Code, see section 1654 of this title and Tables.

The Harmonized Tariff Schedule of the United States, referred to in subsec. (g)(2), is not set out in the Code. See Publication of Harmonized Tariff Schedule note set out under section 1202 of this title.

§ 4314. Joint strategic plan**(a) In general**

Not later than one year after February 24, 2016, and every 2 years thereafter, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall jointly develop and submit to the appropriate congressional committees a joint strategic plan.

(b) Contents

The joint strategic plan required under this section shall be comprised of a comprehensive multiyear plan for trade enforcement and trade facilitation, and shall include—

- (1) a summary of actions taken during the 2-year period preceding the submission of the plan to improve trade enforcement and trade facilitation, including a description and analysis of specific performance measures to evaluate the progress of U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement in meeting each such responsibility;
- (2) a statement of objectives and plans for further improving trade enforcement and trade facilitation;
- (3) a specific identification of the priority trade issues described in section 4322 of this title that can be addressed in order to enhance trade enforcement and trade facilitation, and a description of strategies and plans for addressing each such issue, including—
 - (A) a description of the targeting methodologies used for enforcement activities with respect to each such issue;
 - (B) recommendations for improving such enforcement activities; and
 - (C) a description of the implementation of previous recommendations for improving such enforcement activities;
- (4) a description of efforts made to improve consultation and coordination among and within Federal agencies, and in particular between U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement, regarding trade enforcement and trade facilitation;
- (5) a description of the training that has occurred to date within U.S. Customs and Border Protection and U.S. Immigration and Customs Enforcement to improve trade enforcement and trade facilitation, including training at educational seminars carried out under section 4313 of this title;
- (6) a description of efforts to work with the World Customs Organization and other international organizations, in consultation with other Federal agencies as appropriate, with respect to enhancing trade enforcement and trade facilitation;
- (7) a description of U.S. Custom¹ and Border Protection organizational benchmarks for optimizing staffing and wait times at ports of entry;
- (8) a specific identification of any domestic or international best practices that may further improve trade enforcement and trade facilitation;
- (9) any legislative recommendations to further improve trade enforcement and trade facilitation; and
- (10) a description of efforts made to improve consultation and coordination with the private sector to enhance trade enforcement and trade facilitation.

¹ So in original. Probably should be “Customs”.

(c) Consultations**(1) In general**

In developing the joint strategic plan required under this section, the Commissioner and the Director of U.S. Immigration and Customs Enforcement shall consult with—

- (A) appropriate officials from relevant Federal agencies, including—
 - (i) the Department of the Treasury;
 - (ii) the Department of Agriculture;
 - (iii) the Department of Commerce;
 - (iv) the Department of Justice;
 - (v) the Department of the Interior;
 - (vi) the Department of Health and Human Services;
 - (vii) the Food and Drug Administration;
 - (viii) the Consumer Product Safety Commission; and
 - (ix) the Office of the United States Trade Representative; and
- (B) the Commercial Customs Operations Advisory Committee established by section 4316 of this title.

(2) Other consultations

In developing the joint strategic plan required under this section, the Commissioner and the Director shall seek to consult with—

- (A) appropriate officials from relevant foreign law enforcement agencies and international organizations, including the World Customs Organization; and
- (B) interested parties in the private sector.

(d) Form of plan

The joint strategic plan required under this section shall be submitted in unclassified form, but may include a classified annex.

(Pub. L. 114–125, title I, §105, Feb. 24, 2016, 130 Stat. 132.)

§ 4315. Consultations with respect to mutual recognition arrangements**(a) Consultations**

The Secretary of Homeland Security, with respect to any proposed mutual recognition arrangement or similar agreement between the United States and a foreign government providing for mutual recognition of supply chain security programs and customs revenue functions, shall consult with the appropriate congressional committees—

- (1) not later than 30 days before initiating negotiations to enter into any such arrangement or similar agreement; and
- (2) not later than 30 days before entering into any such arrangement or similar agreement.

(b) Negotiating objective

It shall be a negotiating objective of the United States in any negotiation for a mutual recognition arrangement or similar agreement with a foreign country on partnership programs, such as the Customs–Trade Partnership Against Terrorism established under subtitle B of title II of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 961 et seq.), to seek to ensure the compatibility of the partnership programs of that country with the partnership pro-